

Image

RCE
1636

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:
Mail Stop RCE
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450



Application Number: 09/846,456

Filing Date: May 2, 2001

First Named Inventor: Marie-Francoise Rosier-Montus et al.

Group Art Unit: 1636

Examiner: Gerald G. Leffers, Jr.

Attorney Docket Number: 03806.0505

Attorney Customer Number: 22,852

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 C.F.R. § 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

1. Submission required under 37 C.F.R. § 1.114: Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, application must request non-entry of such amendment.

a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i. Consider the arguments in the Appeal Brief of Reply Brief previously filed on [Date] _____.
- ii. Other _____

b. Enclosed:

- | | |
|--|---|
| i. <input checked="" type="checkbox"/> Amendment/Reply | iii. <input checked="" type="checkbox"/> Information Disclosure Statement |
| ii. <input type="checkbox"/> Affidavit(s)/Declaration(s) | iv. <input type="checkbox"/> Other _____ |

2. Miscellaneous

a. Suspension of action on the above-mentioned application is requested under 37 C.F.R. § 1.103(c) for a period of [number] months. (Period of suspension shall not exceed 3 months; fee under 37 C.F.R. § 1.17(i) required.)

b. Other _____

3. Fees

a. The filing fee is calculated as follows: 04/26/2004 SZEWDIE1 00000001 09846456

i. \$770.00 RCE fee required under 37 C.F.R. § 1.17(e)

ii. Petition for extension of time for (3 Months) \$950.00

iii. Other _____

b. Check in the amount of \$1,720 enclosed.

c. The Commissioner is authorized to charge any deficiencies in the filing fees, or credit any overpayments to Deposit Account No. 06-0916.

Signature of Applicant, Attorney, or Agent Required

Name: Charles D. Niebylski

Reg. No.: 46,116

Signature:

Date: April 23, 2004

Certificate of Mailing or Transmission

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, MAIL STOP RCE, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on:

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PATENT
Customer No. 22,852
Attorney Docket No. 03806-0505

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Marie-Francoise ROSIER-MONTUS *et al.*)
Application No.: 09/846,456) Group Art Unit: 1636
Filed: May 2, 2001) Examiner: Gerald G. Leffers, Jr.
For: REGULATORY NUCLEIC ACID FOR)
THE ABC1 GENE, MOLECULES)
MODIFYING ITS ACTIVITY AND)
THERAPEUTIC USES)

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Sir:

AMENDMENT AND REMARKS UNDER 37 C.F.R. § 1.114

In reply to the final Office Action mailed November 12, 2003, Applicants file a Request for Continued Examination and submit the following amendments and remarks in accordance with the requirements of 37 C.F.R. § 1.114. In view of the concurrently filed Petition for a Three-Month Extension of Time and fee, this response is due May 12, 2004, and is timely filed.

Amendments to the claims are reflected in the listing of claims in this paper, and begin on page 2.

Remarks follow the amendment sections of this paper, and begin on page 9.